

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
TEXARKANA DIVISION

ROSIE L. DAVIS, *et al.*

PLAINTIFFS

v.

Case No. 4:88-cv-4082

WILLIAM DALE FRANKS; *et al.*

DEFENDANTS

**ORDER**

Before the Court is Hope School District's ("Hope") Motion for Dismissal Without Prejudice. (ECF No. 127). No party has responded to the motion, and the time to do so has passed. *See* Local Rule 7.2(b). The Court finds the matter ripe for consideration.

On September 7, 2017, Hope filed a motion for declaratory judgment. (ECF No. 99). On September 28, 2017, the Arkansas Department of Education ("ADE") filed a motion to intervene in order to assert lack of a justiciable controversy and mootness in light of changes to Arkansas law. On November 9, 2017, the Court allowed the ADE to intervene for the limited purpose of opposing Hope's motion for declaratory judgment. Hope's motion for declaratory judgment (ECF No. 99) remains pending at the time of this Order.

On May 14, 2018, Hope filed the instant motion. (ECF No. 127). Hope states that in light of assurances from the ADE, it has agreed to dismiss without prejudice its first motion for declaratory judgment. However, Hope asks that the Court retain jurisdiction over this case, subject matter, and parties hereto. Hope advises the Court that it intends to file a second motion for declaratory judgment, challenging other inter-district movement of students as being violative of its desegregation obligations.<sup>1</sup>

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<sup>1</sup> The Court notes that Hope filed its second motion for declaratory judgment on May 14, 2018.

Upon consideration, the Court finds that good cause for the motion has been shown. Accordingly, Hope's Motion to Withdraw Motion for Declaratory Judgment (ECF No. 127) is hereby **GRANTED**. Hope's first Motion for Declaratory Judgment (ECF No. 99) is hereby **WITHDRAWN**. The Court shall maintain jurisdiction over this case, its subject matter, and the parties hereto, until it finds that Hope should be released from Court supervision.

**IT IS SO ORDERED**, this 29th day of May, 2018.

/s/ Susan O. Hickey  
Susan O. Hickey  
United States District Judge